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June 14, 2006

The Honorable Sue L. Robinson  
United States District Court  
844 King Street  
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Novo Nordisk A/S v. sanofi-aventis et al.*  
C.A. No. 05-645-SLR

Dear Chief Judge Robinson:

At the discovery status conference yesterday, you invited the parties to provide you with citations to cases related to whether the Court should compel the plaintiff, Novo Nordisk A/S, to produce the “non-public” portions of foreign patent prosecution file histories for patents related to the patent in suit, including any public prior art references that may be included in those “non-public” portions. Accordingly, the Defendants provide the following citations that support an Order compelling the production of such documents.

*Caterpillar Tractor Co. v. Berco S.p.A.*, 714 F.2d 1110, 1116 (Fed. Cir. 1983)

*Liposome Co., Inc. v. Vestar, Inc.*, 36 U.S.P.Q.2d 1295, 1306 (D. Del. 1994) (copy attached hereto as Exhibit A).

*Molins PLC v. Textron, Inc.*, 821 F. Supp. 1551, 1565 (D. Del. 1992); *aff'd*, 48 F.3d 1172 (Fed. Cir. 1995).

*Baxter Travenol Labs, Inc. v. Abbott Labs*, 1987 WL 12919 at \*7 (N.D. Ill. 1987) (copy attached hereto as Exhibit B).

*Tulip Computers Int’l B.V. v. Dell Computer Corp.*, 210 F.R.D. 100, 104 (D. Del. 2002).

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The Defendants thank the Court for its prompt consideration of this matter.

Respectfully,

*/s/ Lauren E. Maguire*

Lauren E. Maguire

Enclosures

cc: Frederick L. Cottrell, III, Esquire (via hand delivery and electronic filing w/ encl.)  
Jeffrey J. Oelke, Esquire (via Federal Express w/ encl.)